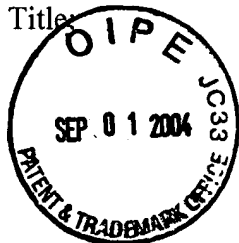


IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph E. Tyler and John S. Petersen
Application No.: 10/785,322 Group Art Unit: 1615
Filed: February 24, 2004 Examiner: Not Yet Assigned
Confirmation No.: 9697

Title: DIRECT COMPRESSION POLYMER TABLET CORE



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>Aug 30 2004</u>	<u>Patricia L. Hillery</u>
Date	Signature
Patricia L. Hillery	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☒ Copies of the cited references AK4 and AA5 are enclosed. All other cited references were entered in prior application, U.S. Application No. 09/691,429, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

☒ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

_____ U.S. Patent Application No. 10/405,105, by Joseph E. Tyler and John S. Petersen, filed March 31, 2003, Docket No.: 1932.2005-041.

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

☒ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Jesse A. Fecker
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Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 8-27-04

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 1932.2005-042	APPLICATION NO. 10/785,322	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION August 23, 2004 (Use several sheets if necessary)		FIRST NAMED INVENTOR Joseph E. Tyler <i>et al.</i>		FILING DATE February 24, 2004
		EXAMINER	CONFIRMATION NO. 9697	GROUP 1615



U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	4,543,370	09-24-85	Porter <i>et al.</i>
	AB	4,302,440	11-24-81	John <i>et al.</i>
	AC	3,431,138	03-04-69	Zingerman <i>et al.</i>
	AD	3,539,380	11-10-70	Johnson <i>et al.</i>
	AE	3,383,236	05-14-68	Brindamour
	AF	4,341,563	07-27-82	Kurihara <i>et al.</i>
	AG	5,455,047	10-03-95	Bequette <i>et al.</i>
	AH	5,520,932	05-28-96	McCurdy <i>et al.</i>
	AI	4,631,305	12-23-86	Guyer <i>et al.</i>
	AJ	4,956,182	09-11-90	Bequette <i>et al.</i>
	AK	5,447,726	09-05-95	Nomura
	AA2	5,709,880	01-20-98	Del Corral <i>et al.</i>
	AB2	5,194,464	03-16-93	Itoh <i>et al.</i>
	AC2	5,262,167	11-16-93	Vegesna <i>et al.</i>
	AD2	5,401,515	03-28-95	Woodard <i>et al.</i>
	AE2	5,654,003	08-05-97	Fuisz <i>et al.</i>
	AF2	5,686,106	11-11-97	Kelm <i>et al.</i>
	AG2	5,718,920	02-17-98	Notenbomber
	AH2	5,747,067	05-05-98	Auguello <i>et al.</i>
	AI2	5,750,148	05-12-98	Maruyama <i>et al.</i>
	AJ2	5,807,582	09-15-98	Cha
	AK2	5,814,336	09-29-98	Kelm <i>et al.</i>
	AA3	5,840,339	11-24-98	Kunin
	AB3	4,983,399	01-08-97	Maish
	AC3	4,983,398	01-08-91	Gaylord <i>et al.</i>

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION August 23, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1932.2005-042		APPLICATION NO. 10/785,322	
	FIRST NAMED INVENTOR Joseph E. Tyler <i>et al.</i>		FILING DATE February 24, 2004	
	EXAMINER	CONFIRMATION NO. 9697	GROUP 1615	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AD3	4,849,227	07-18-89	Cho
	AE3	4,115,537	09-19-78	Driscoll <i>et al.</i>
	AF3	5,985,938	11-16-99	Holmes-Farley <i>et al.</i>
	AG3	6,083,495	07-04-00	Holmes-Farley <i>et al.</i>
	AH3	5,702,696	12-30-97	Mandeville <i>et al.</i>
	AI3	5,618,530	04-08-97	Mandeville <i>et al.</i>
	AJ3	5,667,775	09-16-97	Holmes-Farley <i>et al.</i>
	AK3	5,624,963	04-29-97	Mandeville <i>et al.</i>
	AA4	5,487,888	01-30-96	Mandeville <i>et al.</i>
	AB4	5,496,545	03-05-96	Holmes-Farley <i>et al.</i>
	AC4	5,679,717	10-21-97	Mandeville <i>et al.</i>
	AD4	5,840,766	11-24-98	Mandeville <i>et al.</i>
	AE4	6,034,129	03-07-00	Mandeville <i>et al.</i>
	AF4	5,693,675	12-02-97	Mandeville <i>et al.</i>
	AG4	5,607,669	03-04-97	Mandeville <i>et al.</i>
	AH4	5,703,188	12-30-97	Mandeville <i>et al.</i>
	AI4	4,211,763	07-08-80	Marshall <i>et al.</i>
	AJ4	5,073,380	12-17-91	Babu <i>et al.</i>
	AK4	5,430,110	07-04-95	Ahlers, <i>et al.</i>
	AA5	6,733,780	05-11-04	Tyler <i>et al.</i>

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	WO99/22721	05-14-99	Geltex Pharmaceuticals, Inc.		

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION August 23, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1932.2005-042	APPLICATION NO. 10/785,322	
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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AM	WO98/29107	07-09-98	Geltex Pharmaceuticals, Inc.		
	AN	EP 0 997 148 A1	05-03-00	Chugai Seiyaku Kabushiki Kaisha		
	AO	WO 00/22008	04-20-00	Chugai Seiyaku Kabushiki Kaisha		X
	AP	WO 98/44933	10-15-98	Chugai Seiyaku Kabushiki Kaisha		
	AQ	WO 93/00915	01-21-93	The Upjohn Company		X
	AL2					
	AM2					

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	U.S. Serial No.: 09/359,226, Filed July 22, 1999
	AS	U.S. Serial No.: 09/668,874, Filed September 25, 2000
	AT	U.S. Serial No.: 09/542,329, Filed April 04, 2000
	AU	U.S. Serial No.: 08/956,572, Filed October 23, 1997
	AV	U.S. Serial No.: 09/406,311, Filed September 27, 1999
	AW	U.S. Serial No.: 09/655,998, Filed September 6, 2000
	AX	U.S. Serial No.: 08/979,096, Filed November 26, 1997
	AY	U.S. Serial No.: 09/359,226, Filed July 22, 1999
	AZ	U.S. Serial No.: 08/777,408, Filed December 30, 1996
	AR2	U.S. Serial No.: 08/964,498, Filed November 5, 1997
	AS2	

EXAMINER	DATE CONSIDERED
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